

Assembly Bill No. 2167

CHAPTER 829

An act to add Sections 1639.56 and 7150.2 to the Health and Safety Code, relating to public health, and making an appropriation therefor.

[Approved by Governor September 28, 2000. Filed
with Secretary of State September 28, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2167, Gallegos. Tissue donations.

The Uniform Anatomical Gift Act establishes general requirements and procedures for the donation of body parts.

This bill would establish responsibility for the oversight and implementation of the Uniform Anatomical Gift Act in the State Department of Health Services, and would require the department to adopt regulations for certain related purposes.

Existing law contains provisions relating to the licensing and regulation of tissue banks.

Existing law creates the Tissue Bank License Fund, into which tissue bank license fees are deposited, the moneys in which may be used for purposes of administering tissue bank provisions.

The bill would require the department, by January 1, 2003, to submit a report to the Legislature relating to tissue donations and distribution.

This bill would appropriate \$250,000 to the department from the Tissue Bank License Fund for preparation of this report.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 1639.56 is added to the Health and Safety Code, to read:

1639.56. The department shall submit a report to the Legislature no later than January 1, 2003, including, but not limited to, examining and evaluating all of the following:

- (a) Administrative expenditures of tissue banks.
- (b) Current use of informed consent by tissue banks in tissue donation and recovery, including recommendations for improving and expanding informed consent policy.
- (c) Full disclosure requirements by tissue banks to the donor or the person authorized to make a donation on behalf of a decedent of all potential uses of donated and recovered tissues.

(d) A system in which individuals with medically necessary conditions for which donated tissues are part of the prescribed treatment are given priority in receiving donated tissues, and the feasibility of state subsidies to implement the system.

(e) The current process for tissue recovery and distribution, including recommendations for improvement, where necessary.

SEC. 2. Section 7150.2 is added to the Health and Safety Code, to read:

7150.2. (a) The State Department of Health Services shall have oversight and regulatory authority with respect to the implementation in this state of the Uniform Anatomical Gift Act.

(b) The State Department of Health Services shall adopt regulations that provide for the implementation of this chapter. Regulations adopted pursuant to this section shall include, but not be limited to, providing public awareness of being an organ and tissue donor and of the importance of informed consent prior to donation.

(c) (1) It is the intent of the Legislature that no provision of this section be construed to be in conflict with federal law.

(2) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 3. There is hereby appropriated the sum of two hundred fifty thousand dollars (\$250,000) from the Tissue Bank License Fund to the department in order to prepare the report required by Section 1639.56 of the Health and Safety Code.

